

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1251

Introduced by Senator Alquist

February 8, 2006

An act to add and repeal Part 12 (commencing with Section 12999.25) of Division 6 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1251, as amended, Alquist. Flood and stormwater management planning.

Under existing law, the Department of Water Resources participates in various flood management programs.

This bill would require the Director of Water Resources, not later than June 30, 2007, to convene a task force, to ~~prepare a comprehensive statewide flood and stormwater management plan with prescribed components, and a financing strategy for the implementation of that plan~~ *prepare a report on the risk and potential economic consequences of flooding in those areas of the state not studied by the department in a specified report made in 2005*. The bill would require the task force, not later than ~~June 30~~ *December 31*, 2008, to prepare and submit a report to the Legislature with regard to its findings and recommendations. The bill would repeal these provisions on January 1, ~~2009~~ *2010*.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The State of California faces considerable risks associated with flooding and flood management.

(b) These risks threaten California's economic and ecological vitality, and can expose state and local government, as well as private property owners, to significant financial liability.

(c) *Since 1950, all 58 California counties have been declared flood disaster areas at least three times.*

(d) *The Department of Water Resources assessed the risks of flooding in the Central Valley and recommended strategies for mitigating those risks in a 2005 report titled "Flood Warnings: Responding to California's Flood Crisis." However, no similar assessment exists for areas outside the Central Valley.*

~~(e) The risks associated with flooding can be reduced by development of a comprehensive plan for statewide flood management, building upon the work completed by the California Floodplain Management Task Force in 2002.~~

~~(e) The risk of flooding to other areas of the state and the problems that would result can better be understood through the development of a similar report for areas outside the Central Valley.~~

SEC. 2. Part 12 (commencing with Section 12999.25) is added to Division 6 of the Water Code, to read:

**PART 12. COMPREHENSIVE STATEWIDE FLOOD AND
STORMWATER MANAGEMENT PLAN**

~~12999.25. (a) Not later than June 30, 2007, the director shall convene a task force for the purpose of preparing a comprehensive statewide flood and stormwater management plan and a financing strategy for implementing that plan. The task force shall build upon the work of the California Floodplain Management Task Force. The director, in consultation with task force members, may enter into an interagency agreement with the California State University, the University of California, or another appropriate agency to oversee the task force.~~

~~(b) The director shall determine the composition of the task force. The task force shall include, but need not be limited to, representatives from all of the following entities or groups, to the maximum extent possible, but subject to the consent of those entities or groups:~~

~~(1) City and county governments.~~

~~(2) The department.~~

~~(3) Special districts.~~

~~(4) Other local, state, and federal governmental agencies and interested parties that represent relevant environmental, agricultural, and construction interests.~~

~~(e) The comprehensive flood management plan shall address all of the following matters:~~

~~(1) Matters that were not resolved by the California Floodplain Management Task Force in 2002, including, but not necessarily limited to, matters relating to all of the following:~~

~~(A) Coastal floodplain management.~~

~~(B) Aspects of alluvial fan floodplain management.~~

~~(C) Compliance with the National Flood Insurance Program.~~

~~(D) Floodwater management.~~

~~(E) Floodwater storage.~~

~~(F) Floodplain management programs in protected floodplains subject to flooding.~~

~~(G) Certification of the competence of floodwater management systems for floodplain management purposes.~~

~~(H) "Life-cycle costing."~~

~~(I) Disclosure and map availability.~~

~~(J) Actions to conserve agriculture and rural floodplains.~~

~~(K) Urbanization of floodplains.~~

~~(L) Benefits and risks to floodplains from structural flood control.~~

~~(M) Methods needed to address adverse impact to adjacent property.~~

~~(2) The potential impact of climate change on flooding.~~

~~(3) Stormwater management.~~

~~(4) The statewide application, as appropriate, of recommendations made in the report on Central Valley flood management entitled "Responding to California's Flood Crisis," prepared by the department in 2005.~~

~~(5) Establishment of a state program to work with affected parties to identify and prioritize statewide flood management needs and to recommend voluntary best management practices.~~

~~(6) Priority setting for the implementation of task force recommendations.~~

~~(7) A strategy and financing mechanism for financial support of high priority flood and stormwater management activities, including projects authorized in accordance with the State Water Resources Law of 1945 (Chapter 1 (commencing with Section 12570) and Chapter 2 (commencing with Section 12639) of Part 6), the Flood Control of 1946 (Chapter 3 (commencing with Section 12800) of Part 6), Chapter 3.5 (commencing with Section 12840) of Part 6, and the California Watershed Protection and Flood Prevention Law (Chapter 4 (commencing with Section 12850) of Part 6).~~

~~(8) A strategy to evaluate the condition of levees and related needs statewide.~~

~~(9) A strategy and financing mechanism to ensure the ongoing operation and maintenance of flood protection facilities statewide.~~

~~(10) A strategy to perform a thorough statewide assessment of flood potential and flood risk, including risk from tidal flooding.~~

~~(11) A strategy to create a streamlined regulatory permit process.~~

~~(d) The task force shall prepare and submit a report to the Legislature, not later than June 30, 2008, with regard to its findings and recommendations.~~

PART 12. STATEWIDE FLOOD MANAGEMENT PLAN

12999.25. (a) Not later than June 30, 2007, the director shall convene a task force for the purpose of preparing a report on the risk and potential economic consequences of flooding in those areas of California not studied by the department in its 2005 report titled "Flood Warnings: Responding to California's Flood Crisis." The director, in consultation with task force members, may enter into an interagency agreement with the California State University, the University of California, or another appropriate agency to oversee the task force.

1 ***(b) The director shall determine the composition of the task***
2 ***force. The task force shall include, but need not be limited to,***
3 ***representatives from all of the following entities or groups, to the***
4 ***maximum extent possible, but subject to the consent of those***
5 ***entities or groups:***

6 ***(1) City and county governments.***

7 ***(2) The department.***

8 ***(3) Special districts.***

9 ***(4) Other local, state, and federal governmental agencies and***
10 ***interested parties that represent relevant environmental,***
11 ***agricultural, and construction interests.***

12 ***(c) The report shall include a discussion of all of the***
13 ***following:***

14 ***(1) The challenges facing local flood protection agencies,***
15 ***including the adequacy of existing flood protection***
16 ***infrastructure, the adequacy of funding for flood protection***
17 ***activities, permitting and regulatory issues, and integration of***
18 ***land use planning and flood protection.***

19 ***(2) The potential economic consequences of flooding.***

20 ***(3) Recommended strategies to address the challenges***
21 ***identified in paragraph (1).***

22 ***(d) The task force shall prepare and submit a report to the***
23 ***Legislature, not later than December 31, 2008, with regard to its***
24 ***findings and recommendations.***

25 SEC. 3. This part shall remain in effect only until January 1,
26 2009, 2010 and as of that date is repealed, unless a later enacted
27 statute, that is enacted before January 1, 2009 2010, deletes or
28 extends that date.